

BEER BOARD
PUBLIC HEARING November 15, 2011

(RE: Shane Allen & Charlotte LeGate ---BEER WASH --On-Off premises permit)

The Beer Board of the Carter County Commission conducted a public hearing Tuesday, November 15, 2011 at 5:00 p.m. In the Main Courtroom, Carter County Courthouse.

Members present were: Tom Bowers, Ernest Ritchie (for Lawrence Hodge), Steve Chambers, Richard Renfro, JoAnn Blankenship and Scott Sams. Patsy Lewis, Deputy Clerk, Chris Mathes, Carter County Sheriff and several concerned citizens were in attendance.

Chairman, Bowers called the Beer Board meeting to order at 5:00 p.m. A quorum was present. Beer permit being considered: Shane Allen & Charlotte LeGate, Beer Wash 8914 Highway 19E Roan Mountain, Tennessee.

At this time Ms. LeGate took the podium. Chairman Tom Bowers, asked each that the statements they were about to make were true and correct to the best of their knowledge so help you God. They replied, "yes".

Discussion followed (Please note that statements typed may not be typed word for word in context, however subject matter is as noted. Tape on file.)

T. Bowers: Ms. LeGate, Who is the primary owner in this business?

LeGate: Shane Allen and I (Charlotte LeGate) are 50/50 ownership.

T.Bowers: Up till this time you have not been able to provide any I.D., or otherwise to this Board. Only a Rx Bottle you provided showed your name. You provided your date of birth and Social Security Number at the time you applied for your Business Licenses. Are the numbers you provided as listed on this application correct?

LeGate: Yes, they are.

T.Bowers: Why is it that you do not have a picture I.D.?

LeGate: I had my wallet stolen, two weeks ago. When I went to get a I.D. I needed my Birth Certificate. California, September 2nd 2011 a law states that it has to be the person to get the I.D. I have been unable to do this in person, however I have made application on line and I have not received anything. Payment has to be made by check, a visa will not be accepted.

T. Bowers: Are the numbers on the application correct. Please come and check the number.

(LeGate checks the numbers on application as listed.)

LeGate: Yes, the numbers are correct.

T. Bowers: (to Mr. Allen) You presented sufficient I.D.

Allen: Yes Sir.

T. Bower: (to Ms. LeGate) What was your last address, was it FL. Or CA.?

LeGate: FL

T. Bowers: How long did you live in FL?

LeGate: 12 years, no...14 years.

T. Bowers: Did you still had a California I.D.? Did they not require you to have a FL drivers licenses?

LeGate: I don't have a Drivers Licenses. I have a suspended license. My licenses was suspended 8 years ago due to medical reasons in the state of FL.

T. Bowers: Licenses were suspended for medical reasons.

LeGate: Yes.

T.Bowers: Do you know your past drivers licenses number?

LeGate: I'm sorry. I do not.

T.Bowers: (to Mr. Allen) You provided us with a GA drivers licenses is that correct?

Allen: Yes

T. Bowers: Are you a lifelong resided of GA?

Allen: No sir. I lived in MS for probably about 8 -- 10 years. I am a native of Louisiana.

T.Bowers: You purchased the establishment from Ms. Whitener and are now is possession of this property.

Allen: Yes and no. Leased until 12-19-11 when we signed a contract on the property. We took over the second Friday of August 2011.

T. Bowers: Business Licenses was applied for on the November 2nd?

Allen: Yes.

T. Bowers: (to Ms. LeGate) Have you ever been charged with any violations of the law? No. Criminal Record? Traffic violations etc. ?

LeGate: No... A speeding ticket, yes, but I haven't driven in over ten years. No criminal record.

T. Bowers (to Mr. Allen): Have you ever been charged with a crime?

Allen: Yes sir. However, I received a pardon thru the state of Louisiana for felony possession of marijuana when I was 17 years of age. (discussion followed concerning the charge in question).

S. Chambers: It is stated that you took over the business the second week of August .

Allen: Yes

LeGate: We were just managing the business. We had no contract whatsoever. She did not want the beer licenses under her name. We came in to apply for a business license and was told that the previous had to close out her licenses first. I would have never done it this way because until December 9th the business was to be leased. I would have never done it this way had I known.

S. Chambers: Did several weeks ago Mr. Bowers come to your establishment and see you about the license you needed?

LeGate: Yes. On Wednesday he came in and told me... listen you cannot do it this way, you cannot serve beer without a license. As soon as he told me this I immediately closed. I do not break rules. He told be to remove everyone and do not serve anyone. That is what I did. I saw an attorney today to clear up ownership and clarify (questions concerning the process).

J. Blankenship: When I came up there (to the business) last Wednesday, you were not the one that identified themselves as being the owner or the one in charge. The other lady, I asked about the posting of the Notice. I understand that they posted a notice up here and she stated, "I just took it down". This was just a "slap in the face" to the Board, to me. We try to protect the citizens of the county. In talking around the town of Roan Mtn. It was noted to me, that people under the age of twenty was being served beer and that it was common knowledge that marijuana was being smoked in there all the time. I want you to know that this seems to be common knowledge in Roan Mountain. I also went over to Elk Park North Carolina. They too, know about your establishment. About the drinking under the age of twenty. I want you to know that this knowledge is out there. Whether it is true or not, I do not know.

Allen: Before we got this place they were lots of stories (about the business). We have people that check the door as you come in, everyone is on camera at all times. We have paid driver to drive you home if necessary. I have four guys that walk around, if caught with drug they are tossed out.

J. Blankenship: When I was there, an older man came out, it was not you, and he heard me talking to the other lady and his words to me was, "were closed for business", although the people at the bar were still drinking their beer, it was open and putting it to their mouth. It was very disturbing to me.

Allen: I am sorry that you had to witness this by some people in general.

At this time Chairman Bowers presented the order of events that have occurred concerning this establishment to the members of the Board. Mr. Bowers stated that the week before last he went to the business and posted a notice of Public Hearing on the front door. The following week, last Wednesday, he received a phone call from Mrs. Blankenship stating that she had been there and the notice had been removed from the door and she went in and they were open for business serving beer. He then went up there that evening, and observed that what Ms. Blankenship had told was correct. The notice was placed on a window at the drive-thru. They were open and selling beer. She was then advised that the Beer Permits were not transferable and that she was in violation, as Ms. Blankenship had advised them that morning. Ms. LeGate was advised to withdraw her application until details were completed. However the meeting was set and she was also advised to come and state her case.

Mr. Allen and Ms. LeGate stated that the former owner did not inform them that they could not sell beer during the change of ownership process. They stated that they did not realize they were in any type of violations concerning the selling of beer and had hired an attorney to help with the process.

R. Renfro: (to Sheriff Mathes) Have you had any phone calls or complaints concerning this place of business?

Mathes: Yes, I have received numerous call and complaints. Loud music, underage drinking. I have met with the previous owner and it was to the point that they were going to received a lot of heavy enforcement. However the calls have slacked over during the past summer.

Sheriff Mathes presented the Board at this time copies of 911 reports concerning the business for the past year. He also indicated that an Criminal Investigation had begun.

T. Bowers: (to Sheriff Mathes) During the course of this investigation have you revealed anything concerning the background of the applicants?

Mathes: The new owners, Ms. LeGate, has had an expired drivers licenses since 1996 in the state of

CA. No other record is listed.

Ms. LeGate also stated her former name to Sheriff Mates and verified that the former name was correct.

Mathes: Concerning Mr. Allen, this is definitely the same guy as pictured. Mr. Allen I do not think in looking at your criminal history you have been very honest with the Board. Your history indicates more that you have let on. It shows no indication of any type of pardon.

Details concerning the charges were stated by Sheriff Mathes to the Board.

It was noted that the hours of operation for the Beer Wash was:

Monday – Thursday	12:00 noon - 12:00 midnight
Friday – Saturday	12:00 noon - 3:00 A.M.
Sunday	12:00 noon - 1:00 A.M.

Also noted was that the business was near a Nursing home and complaints had been voiced from the business, however the connection to the Beer Wash could not be determined.

PUBLIC COMMENTS:

Jack Norman of 154 Sunset Cr., Elk Park North Carolina at this time approached the podium. Mr. Norman stated that he was a patron of the establishment. He noted that he enjoyed going to the business and that he had not viewed any trouble at the business.

Kathy Vance of 535 Teaberry Road, Roan Mountain, Tennessee an employee approached the podium. Ms. Vance stated that she did not drink and that her duty's consisted of several things. If someone was to intoxicated to drive themselves home she would drive them. She also stated that the employees tried to take care of any problems before they arose. She noted that everyone was "carded" before being sold beer and camera were set up.

Mr. Bowers at this time called the Regular Meeting back to order. It was noted that several inconsistencies had been observed in the statements presented to the Board. Sheriff Mathes stated that he had several "concerns" about the establishment.

Steve Chambers stated that it was the will of the Board to run a "tight ship" and that it was their job to check on businesses of this nature. It was noted that beer was being served without the proper permits.

Mr. Bowers spoke concerning the criminal charges that were in question. He noted that the Court documents were not provided by Mr. Allen. Also it was noted that Ms. LeGate had not provided proper identification to the Board. Mr. Bowers stated that he had spoke to the County Attorney and it was stated that if convicted of a violent crime or certain other charges the person could not be employed at a business that served beer, much less be the owner of the business.

At this time Chairman Tom Bowers ask what was the desire of the Board.

Motion was made by JoAnn Blankenship, seconded by Scott Sams to deny the beer permit application submitted by Shane Allen and Charlotte LeGate for BEER WASH.

Roll Call Vote as follows:

Aye: Tom Bowers, Gebe Ritchie, Steve Chambers, Richard "Dickie" Renfro, JoAnn Blankenship and Scott Sams.

Nays: None

Being that they were all Ayes application was denied.

Chairman Bowers noted that applicants may reapply for permit after twelve months. They were also urged to provide positive identification and all court records for those in question.

Chairman Bowers noted that the previous owner of the establishment, Jane Roberta Whitener, had surrendered their Beverage Permit No. # 89 on November 14, 2011 at 3:50 P.M. To the County Clerks office.

A thank-you was extended to Sheriff Mathes with his help with issued concerning the Board and this application.

Motion to adjourn was made by Richard "Dickie" Renfro, seconded by Scott Sams. All ayes. Meeting adjourned at 7:00. p.m.

Respectfully Submitted by,

Patsy Lewis, Secretary
Tom Bowers, Chairman

(CORRECTED AND APPROVED 12-29-2011)

